DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-14 recite the limitation "buffered updates presence information when at least one item of the buffered update presence information has been buffered for at least a predetermined period of time" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nose (US 2005/0059413 A1), and in view of Knauerhase et al. (US 20030104819 A1).

Regarding claim 1, Nose discloses a method to facilitate presence-related updates (abstract, ¶: 9, 21, 23; Nose teaches updates related to presence of mobile device on a network as stated in through out the whole reference), comprising:

detecting when a communication unit becomes active notwithstanding whether the communication unit self-initiates a network presence update (¶: 3, 9, 22-23, 33, Nose teaches means of determining communication unit is active or not in network);

However, Nose does not specifically discloses automatically sourcing a network presence update message on behalf of the communication unit from an entity other than the communication unit, nevertheless, Knauerhase et al. teaches automatically updating presence information for the mobile device (abstract, title, ¶: 1, 17-20, 27, 30, 57, 60-61; Knauerhase et al. teaches the presence information includes whether the mobile device is connected or disconnected).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include the automatically sending an presence update message from another entity other than the communication unit as taught by Knauerhase et al. for the purpose of informing the presence server about the reach-ability fields (¶:56).

Regarding claim 15, Nose discloses a system to facilitate maintaining at least relatively current presence information at a mobile communication unit, comprising:

a wireless communication interface having a two-way wireless link with the mobile

communication unit at least from time to time (¶:21, Nose teaches routers and mobile devices in communication with each other, hence, having wireless communication interface);

However, Nose does not specifically discloses a presence detector that is operably coupled to the wireless communication interface and having a mobile communication unit presence-detected output that provides a presence-detected output signal regardless of whether the mobile communication unit has requested an update of presence information, nonetheless, Knauerhase et al. teaches a presence detector in the wireless communication interface that communicates with network, server, and/or intermediary devices (¶: 15, 56-60, Knauerhase et al. teaches wherein the mobile device is processed by presence server using data supplied by mobile device through an access point, hence, a presence detector is coupled on mobile device to send information regardless of state mobile device is in).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include a presence detector within reach-ability of wireless communication interface outputting presence-detected output signal regardless of condition of mobile communication unit, as taught by Knauerhase et al. for the purpose of providing information to presence update server (abstract, title, ¶: 1, 15, 56).

a presence server (fig. 1, 2, abstract, ¶: 28-30, Nose teaches presence update from server to mobile communication device);

However, Nose does not discloses a presence information update requester that is operably coupled to the mobile communication unit presence-detected output of the

presence detector and having a mobile communication unit presence information request output operably coupled to the presence server, nevertheless, Knauerhase et al. teaches having intermediary mobile unit relaying update service packet to mobile communication unit (¶: 56-60, Knauerhase et al. teaches mobile communication device receiving presence update information through other entity couple to the presence update server). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include a router/entity as an intermediary unit for updating presence update information between the server and mobile unit, as taught by Knauerhase et al. for the purposes of diving the work load of presence update server (¶: 15, 30).

Regarding claim 25, Nose discloses a method comprising: at a Packet Data Serving Node (PDSN), however, Nose does not discloses specifically PDSN, nevertheless, Knauerhase et al. teaches PDSN equivalent (¶: 16, Knauerhase et al. teaches same structure describe in the GPRS gateway support node, hence, PDSN equivalent is used in order to source the network presence update message and reference is not limited to a specific structure and can be implemented with other systems); therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a PDSN, as taught by Knauerhase et al. for the purpose of providing an entity for update presence server communication with (¶: 56-58): receiving an indication that a communication unit has become active, which indication does not indicate that the communication unit has also requested an update of presence information (abstract, ¶: 9, 21, 23; Nose teaches updates related to presence of mobile device on a network

as stated in through out the whole reference);

automatically sourcing a message to request that an update of presence information as corresponds to the communication unit be transmitted to the communication unit (abstract, title, ¶: 37, Nose teaches presence information is provided to mobile device).

Regarding claim 29, Nose discloses a method comprising: at a network access server (¶:21, Nose teaches network server):

However, Nose does not discloses receiving an indication that a communication unit's presence status has changed, which indication does not indicate that the communication unit has also requested an update of presence information;

nevertheless, Knauerhase et al. teaches the method of determining whether mobile device is on-line or off-line (¶:56-59, 61-70, Knauerhase et al. teaches constant scrutiny on status of mobile device through means of other entities). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include presence status, as taught by Knauerhase et al. for purposes of meeting presence rule for a mobile device (abstract).

automatically sourcing a message to request that an update of presence information as corresponds to the communication unit be transmitted to the communication unit (abstract, title, ¶: 37, Nose teaches presence information is provided to mobile device).

Consider claim 2. The method of claim 1, wherein detecting when a communication unit becomes active further comprises detecting when a wireless communication unit becomes active (¶: 3, 9, 22-23, 33, Nose teaches means of determining communication unit is active or not in network).

Consider claim 3. The method of claim 2, wherein detecting when a wireless communication unit becomes active further comprises detecting, via a Radio Access Network (RAN), when the wireless communication unit becomes active (¶:22-23, nose teaches access point detects mobile communication units).

Consider claim 4. The method of claim 1, wherein automatically sourcing a network presence update message on behalf of the communication unit from other than the communication unit further comprises providing the network presence update message to a presence server (¶: 56-60, Knauerhase et al. teaches mobile communication device receiving presence update information through other entity couple to the presence update server).

Consider claim 5. The method of claim 4, wherein automatically sourcing a network presence update message on behalf of the communication unit from other than the communication unit further comprises automatically sourcing the network presence update message from a Packet Data Serving Node (PDSN) (¶: 16, Knauerhase et al. teaches same structure describe in the GPRS gateway support node, hence, PDSN equivalent is used in order to source the network presence update message).

Consider claim 6. The method of claim 4, wherein automatically sourcing a network presence update message on behalf of the communication unit from other than the communication unit further comprises automatically sourcing the network presence update message from a network access server (¶: 17, Knauerhase et al. teaches network server presence update server through out the network).

Consider claim 7. The method of claim 1, and further comprising:

in response to the network presence update message automatically updating the communication unit with respect to at least some network presence information (¶:23-24, Nose teaches presence server information update, updating unit based on position information of mobile communication unit).

Consider claim 8. The method of claim 7, wherein automatically updating the communication unit with respect to at least some network presence information further comprises sourcing the at least some network presence information from a presence server (¶: 30, Knauerhase et al. teaches diving the work load of presence update server, hence, sourcing from a presence server. ¶: 56-60, Knauerhase et al. teaches mobile communication device receiving presence update information through other entity couple to the presence update server).

Consider claim 9. The method of claim 7, wherein automatically updating the communication unit with respect to at least some network presence information further comprises automatically updating the communication unit with respect to at least some network presence information comprising at least one item of presence information for a second, different communication unit (¶: 56-60, Knauerhase et al. teaches mobile communication device receiving presence update information through other entity couple to the presence update server, hence, the other entity being the first and the mobile communication unit being the second).

Consider claim 10. The method of 1, further comprising:

when the communication unit does self-initiate a network presence update, automatically updating the communication unit with respect to at least some network

presence information (¶: 56-60, Knauerhase et al. teaches mobile communication unit can self initiate a presence update).

Consider claim 16. The system of claim 15, wherein the presence detector comprises a Radio Access Network (RAN) (¶: 15, Knauerhase et al. teaches access points as presence detectors).

Consider claim 17. The system of claim 16, wherein the presence information update requester comprises a network access server (¶: 17, Knauerhase et al. teaches network server presence update server through out the network).

Consider claim 18. The system of claim 17, wherein the network access server comprises at least one of a Packet Data Serving Node (PDSN) and a Home Location Register (HLR) (¶:56-59, 61-70, Knauerhase et al. teaches constant scrutiny on status of mobile device through means of other entities).

Consider claims 19-20. The system of claim 15, wherein the presence server further comprises update means responsive to the mobile communication unit presence information request output for automatically providing updated presence information to the mobile communication unit (abstract, title, ¶: 27-28, Knauerhase et al. presence information is provided to mobile device).

Consider claim 21. The system of claim 20, wherein the update means further comprises decision means for determining when to automatically provide the updated presence information to the mobile communication unit (abstract, title, ¶: 27-28, Knauerhase et al. presence information is provided to mobile device).

Consider claims 22-24. The system of claim 21, wherein the decision means

determines when to automatically provide the update presence information to the mobile communication unit as a function, at least in part, of at least one of:
an amount of updated presence information as is contained in the buffer; a duration of time; and a predetermined level of quality of service (¶: 22-23, Nose teaches measurements of signal strength depending whether to presence update information to mobile communication device).

Consider claim 26. The method of claim 25, wherein receiving an indication that a communication unit has become active further comprises receiving the indication from a Radio Access Network (RAN)(¶: 56-60, Knauerhase et al. teaches mobile communication device receiving presence update information through other entity couple to the presence update server).

Consider claim 27. The method of claim 25, wherein automatically sourcing a message further comprises automatically sourcing a message to a presence server (¶: 56-60, Knauerhase et al. teaches mobile communication device receiving presence update information through other entity couple to the presence update server).

Consider claim 28. The method of claim 25, wherein receiving an indication that a communication unit has become active further comprises receiving an indication that a wireless communication unit has become active (¶: 3, 9, 22-23, 33, Nose teaches means of determining communication unit is active or not in network).

Consider claim 30. The method of claim 29, wherein receiving an indication that a communication unit's presence status has changed further comprises receiving the

indication from a Radio Access Network (RAN) (¶:56-59, 61-70, Knauerhase et al. teaches constant scrutiny on status of mobile device through means of other entities).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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